REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-4, 6, 8-11, 13-22, 24, and 25 are presented for examination. Claim 5, 7, 12, and 23 were previously canceled without prejudice or disclaimer. Claim 1 is amended to better define decoding conditions in terms of the disclosure at page 16, lines 27-32, for example. As the PTO has already performed a search based upon decoding conditions, it is believed that this Amendment should be entered as not requiring a further search and not raising any new issues.

The outstanding Office Action includes a rejection of Claims 1-4, 6, 8-11, 13-22, 24, and 25 under 35 U.S.C. §103(a) as being unpatentable over Hladik et al. (U.S. Patent No. 5,734,962, Hladik) in view of Wicker (Error Control Systems for Digital Communication and Storage, Wicker text).

With regard to the rejection of Claims 1-4, 6, 8-11, 13-22, 24, and 25 under 35 U.S.C. §103(a) as being unpatentable over Hladik in view of the Wicker text, it is again noted that these rejected claims all clearly require the base independent Claim 1 "determined decoded information quality parameter" to be determined "from the determined decoded characteristic statistical quantity and from at least one configuration parameter" that can be "decoding conditions."

The outstanding Action (at page 3) suggests that because the "Threshold Decision Device 112" of Hladik determines whether an output decoded value is greater than ½, less than ½ or equal to ½ , to unambiguously indicate a decoded value of zero or one (as described at col. 5, lines 20-25), this is an indication of the previously recited decoding condition.

8

To clarify that this interpretation is unreasonable, Claim 1 has been amended to recite "said decoding conditions characterizing the system portion for which the decoded information quality is determined."

Clearly, merely determining that a decoded value is greater than ½, less than ½ or equal to ½ cannot be reasonably said to indicate a system portion "for which the decoded information quality is determined."

While the PTO is to apply the broadest <u>reasonable</u> interpretation as to pending claim language, the requirement that the interpretation be a reasonable one cannot be ignored. In this last respect, it is by now well established that while the PTO is to give claim language its broadest "<u>reasonable</u>" interpretation, this does not mean that the PTO can completely ignore the understanding that the artisan would have of words used in the claims. <u>See In re Cortright</u> 165 F.3d 1353, 1359, 49 USPQ 2d 1464, 1467 (Fed. Cir. 1999) ("Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one those skilled in the art would reach."). Moreover, it is further well established that "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their "broadest *reasonable* interpretation." See <u>In re Okuzawa</u>, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976). Thus, the description in the specification at page 16, lines 27-32, that "configuration parameters" are "parameters making it possible to characterize the system for which the decoded information quality evaluation is performed" with the example of "the size N of the decoding sequences" must all be taken into account as to determining the meaning to the artisan of the above-noted amended language of Claim 1.

Once again, it is noted that the teachings of the <u>Wicker</u> text do not cure the above-noted deficiencies of <u>Hladik</u> and the rejection of Claim 1 is traversed as the combined teachings of the relied upon references are not sufficient to meet all limitations of Claim 1, even if they are combined.

Although the above comments traversing the 35 U.S.C. §103 rejection are primarily directed to Claim 1, they are equally applicable to Claims 2-4, 6, 8-11, 13-22, 24, and 25 because each of these claims all ultimately depends from Claim 1 and, thus, includes all the subject matter of this base independent claim. In addition, each of these dependent Claims 2-4, 6, 8-11, 13-22, 24, and 25 add further features to the subject matter of independent base Claim 1, which further features are also not reasonably taught or suggested by <u>Hladik</u> and/or the <u>Wicker</u> text considered alone or together in any proper combination.

Note, for example, the requirements of Claims 6 for "the determined decoded characteristic statistical quantity" to be "a <u>mean of an absolute value</u> of extrinsic information determined from the set of extrinsic information items" (emphasis added). Page 4 of the outstanding Action addresses decoding and not the claim requirement for "the determined decoded characteristic statistical quantity" to be "a <u>mean of an absolute value</u>." Accordingly, even if the artisan would have been aware of Fig. 25 of Moher (that has not been used in the rejection), and even if λ_f of equation 7 in col. 8 of <u>Hladik</u> is calculated from backward and forward matrics α and β, the presently applied references fail to teach this claim limitation.

As further noted in the last response, the previous Office Action included an improper attempt to change the output of threshold decision circuit 112 (indicating the signal level as discussed above) into "error correction information." Clearly, arbitrarily determining that an
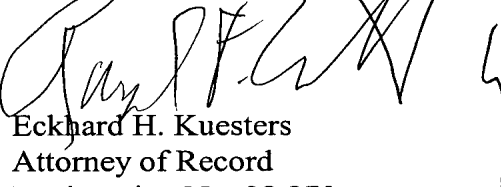
output can be interpreted to be a "0" or a "1" is not "error correction." This point that was

raised in the last response has not been treated in the outstanding Action.

Accordingly the rejection of Claims 1-4, 6-14, 16, and 18-23 under 35 U.S.C. §103(a)

as being unpatentable over <u>Hladik</u> and the <u>Wicker</u> text is traversed for all the above-noted

reasons.

As no other issues are believed to remain outstanding relative to this application, it is

believed to be clear that this application is in condition for formal allowance and an early and

favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

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11